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July 27, 2007

By Facsimile

The Honorable John G. Koeltl,
United States District Judge,
Daniel Patrick Moynihan
United States Courthouse,
500 Pearl Street, Room 1030,
New York, New York 10007.

*Motion to Dismiss (Doc. TN. 6)
is denied without prejudice
as moot.*

so ordered.

*7/27/07 J.G. Koeltl
U.S.D.J.*

Re: Intellivision v. Microsoft Corporation, 07 CV 4079(JGK)

Your Honor:

We represent Microsoft Corporation ("Microsoft") in the above-captioned action. On June 15, 2007 Microsoft filed a notice of motion to dismiss Intellivision's original complaint along with a supporting memorandum of law. The briefing of that motion was underway when, on July 20, 2007, counsel for Intellivision served a first amended complaint on Microsoft.

The amended complaint eliminated one cause of action from the original complaint, and included two new causes of action. It also added a variety of new factual allegations. Given the service of this amended complaint, Microsoft's original motion to dismiss is now moot. Microsoft will answer or otherwise respond to the amended complaint by August 9, 2007, as required by Fed. R. Civ. P. 12(a).

Respectfully,

Steven L. Holley

Steven L. Holley

cc: Bruce D. Katz, Esq.
(Counsel for Intellivision)

FAX COVER PAGE

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TO:	COMPANY	NUMBER(S)
1. The Honorable John G. Koeltl United States District Judge	United States Courthouse (SDNY)	☎ (212) 805-7912 ☎
2. Bruce D. Katz, Esq.	Bruce D. Katz and Associates	☎ (212) 208-3060 ☎ (212) 233-3434

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